

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
08-CR-95S

DARRYLE BUCKNER,

Defendant.

1. On November 12, 2008, the Defendant pled guilty to a Counts 1, 2, 3, 4, 15 and 16 of the Indictment (Docket No. 1) charging violations of Title 18, U.S.C. Sections 287 (making false claims against the United States government) and Title 18 U.S.C. Section 286 (conspiring with co-defendant Darrick Holmes to make false claims against the United States government).

2. On November 12, 2008, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation (Docket No.28) recommending that Defendant's plea of guilty be accepted and the Defendant adjudicated guilty.

3. This Court has not received objections to the Report and Recommendation in accordance with 28 U.S.C. §636(b)(1)(C) and Local Rule 58.2(a)(3).

4. This Court has carefully reviewed *de novo* Judge Scott's November 12, 2008, Report and Recommendation, the Government's Calculation of Maximum Sentence and Sentencing Guideline Range, transcript of the proceeding, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation, and will accept Judge Scott's recommendation that Defendant's plea of guilty be accepted and that the Defendant be adjudicated guilty as charged.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's November 12, 2008 Report and Recommendation (Docket No. 28) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that the plea of guilty of Defendant Darryle Buckner is accepted, and he is now adjudged guilty of Title 18, U.S.C. Section 287 and Title 18 U.S.C. Section 286..

SO ORDERED.

Dated: December 4, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge